

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 20, 2001

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J., Matz, J. (Assigned) and J. Hatter, Deputy Clerk.

B139280 Sedaghat
 v.
 Cedars-Sinai Medical

Merits:

Argued by Holly Paul for respondent. No appearance by or on behalf of appellant Nasser Sedaghat. Cause submitted.

B144316 Gebreyesus
 v.
 Yellow Cab Co.

Appearances:

Argued by Steven Kirby for respondent. No appearance by B. Duren for appellant. Cause submitted.

B143919 People
 v.
 Tateyama

Merits:

Argued by Allison Ting for appellant and by Ronald Jakob, deputy attorney general, for respondent. Cause submitted.

DIVISION TWO (Continued)

B145709 Ozante
 v.
 County of Los Angeles

Merits:
Argued by Hilda Ozante, appellant in propria persona, and by Carolyn Oill
for respondent. Cause submitted.

B143865 Brown et al.
 v.
 Cooperman et al.

Merits:
Argued by Robert Brunette for appellants and by Thomas Fox for
respondents. Cause submitted.

B144313 Morton
 v.
 Morton

Merits:
Argued by Gary Kearney for appellant and by John Morris for respondent.
Cause submitted.

B139980 Klein
 v.
 Magady

Merits:
Argued by Duke Peters for appellant and by Marc Sallus for respondent.
Cause submitted.

DIVISION TWO (Continued)

B146521 Rider
 v.
 California Beach Restaurants

Merits:
Argued by William Becker for appellant and by Jay Plotkin for
respondents. Cause submitted.

B143688 Couch et al.
 v.
 Patrick Gilboy

Merits:
Appearance by Mark Eisenberg for appellant and by Peter Fonda for
respondent. Matter ordered off calendar.

B145499 Como, LLS
 v.
 Delta Tau Systems

Merits:
Argued by Ronald Gold for appellant and by Allan Bloom for respondent.
Cause submitted.

B136754 Levinson
 v.
 Lorain et al.

Merits:
Argued by Robert Brock for appellant and by Susan Gruskin for
respondent. Cause submitted.

Court recessed.

DIVISION TWO (Continued)

Court convened at 1:00 P.M.

Present: Boren, P.J., Nott, J., Cooper, J., Todd, J., Matz, J. (Assigned) and G. Villanueva, Deputy Clerk.

Each of the following:

B146306 People v. Baltazar
B147200 People v. Robinson
B142774 People v. Fite
B146641 People v. Cannon
B150070 People v. Gerard A.
B146780 People v. Borders
B147493 In re Andrew R.
B147825 People v. Weathrington
B147351 People v. Hernandez
B146195 D.C.F.S. v. Carey C. et al
B151353 Balasubramanian v. S.C.L.A.
B146166 People v. Tucker
B148371 People v. McThomas
B146873 People v. Hollister
B147749 In re Jared S.
B148012 In re Dennis J.

Argument waived, cause submitted.

B146679 County of Los Angeles
 v.
 Jackson

Merits:

Argued by Jasper Jackson appellant in propria persona and by Nancy Ruffolo, deputy county counsel, for respondent. Cause submitted.

DIVISION TWO (Continued)

B151619 Scoggins
 v.
 Superior Court, Los Angeles County
 (People, r.p.i.)

Merits:

Argued by Alex Ricciardulli, deputy public defender, for petitioner and by Brent Riggs, deputy district attorney, for real party in interest. Cause submitted.

B148262 People
 v.
 Cox-Johnson

Merits:

Argued by Brent Riggs, deputy district attorney, for appellant and by Felicia Grant, deputy public defender, for respondent. Cause submitted.

B138162 People
 v.
 White

Merits:

Argued by Daniel Koryn for appellant and by Thomas Hsieh, deputy attorney general, for respondent. Cause submitted.

B132103 Los Angeles County, D.C.F.S.
 v.
 Rachelle H.
 In re Mercedes J.

Merits:

Argued by Sharon Rollo for appellant and by Jill Regal, deputy county counsel, for respondent. Cause submitted.

DIVISION TWO (Continued)

B142517 Romney
 v.
 Allstate Insurance Company

Merits:

Gary Coutin for appellant refused to present argument on appeal and therefore not permitted to address the Court. Argued by Daniel Barer for respondent. Cause submitted.

B138735 Tucker
 v.
 Hamilton

Merits:

Argued by Stuart Esner for appellant and by Sandra Smith for respondent. Cause submitted.

B147548 Urban
 v.
 L.A. County MTA

Merits:

Argued by Steven Kleifield for appellant and by Ronald Stamm, deputy county counsel, for respondent. Cause submitted.

B141613 Baltazar
 v.
 City of Los Angeles

Merits:

Argued by Michael Waddington for appellant and by Matthew St. George, deputy city attorney, for respondent. Cause submitted.

DIVISION TWO (Continued)

B136271 Save Open Space
v.
County of Los Angeles

Merits:
Argued by Stanley Lamport for appellant and by Chris Horton for respondent. Cause submitted.

B131623 Anderson
v.
Hoag Memorial Hospital et al.

Merits:
Argued by Ronald Anderson appellant in propria persona, by Larry Pleiss for respondent Hoag Memorial, by Steven Bangerter for respondent Presbytery of the Pacific and by Cynthia Mulvihill for respondent Presbyterian Church. Cause submitted.

Court adjourned.

DIVISION THREE

B141837 Deborah Ann Eddlemon (Not for Publication)
v.
Thurmon Eugene Eddlemon

The judgment is affirmed. Costs on appeal to the County of Los Angeles.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

September 20, 2001-Continued

DIVISION THREE (Continued)

B136302 People (Not for Publication)
v.
William Travis Hoffman

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B141189	People v. Aris Bringa	(Not for Publication)
B145973	In re Aris Bringa on Habeas Corpus	

The judgment is affirmed; the habeas corpus petition is denied.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B148522 People (Not for Publication)
v.
Jeffrey M.,
In re Jeffrey M., a Person Coming Under the Juvenile Court Law

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B144933 Kenneth Balser (Not for Publication)
 v.
 Wells Fargo Bank, N.A.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

B147084 Continental Casualty Company (Certified for Publication)
 v.
 Superior Court, Los Angeles County
 (Paragon Homes, Inc., et al., r.p.i.)

The order to show cause is discharged. A peremptory writ of mandate shall issue directing the trial court to vacate its order of December 11, 2000, granting Paragon's motion for summary adjudication and denying Continental's motion for summary judgment and to enter a new order denying Paragon's motion and granting summary judgment in favor of Continental. The stay of trial court proceedings heretofore issued shall be lifted on the date the remittitur is issued herein. Continental shall recover its costs in these writ proceedings.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B143744 Juan Fernandez (Not for Publication)
 v.
 FLV Construction et al.

The judgment is reversed. Appellant(s) to recover costs.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B150183 State Compensation Insurance Fund
 v.
 S.C.L.A.
 People

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B151362 Randy F., Sr. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles County Department of Children and Family Services et al.
 r.p.i.)

The petition for writ of mandate is denied.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION FOUR (Continued)

B144989 People (Not for Publication)
v.
Crawford

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B144633 People (Not for Publication)
v.
Burton

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B145974 People (Not for Publication)
v.
Prieto

The judgments are affirmed, except that the abstract of judgment in case number VA060222 is modified to reflect that the three-year enhancement sentence pursuant to Penal Code section 667.5, subdivision (b), is stricken rather than stayed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

September 20, 2001-Continued

DIVISION FOUR (Continued)

[illegible]

The order is affirmed. Respondent is to have her costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B135919 Fahn (Not for Publication)
v.
Jacobs

The order of dismissal is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B145273 Real (Not for Publication)
v.
City of Compton

The judgment is affirmed. The parties are to bear their own costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

B149074 Winston (Not for Publication)
v.
Century Woods Condominium Association

The order appealed from is affirmed. The writ of supersedeas issued on August 8, 2001, is to dissolve upon issuance of the remittitur in this appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B148950 Moca (Not for Publication)
B148951 v.
Superior Court, Los Angeles County
(Moca, r.p.i.)

In number B148951, let a peremptory writ of mandate issue commanding respondent trial court to set aside its order of January 30, 2001 (terminating child and spousal support), and enter a new order denying modification of child and spousal support and reinstating the amounts of child and spousal support provided in the order of April 10, 1998. In number B148950, the petition is dismissed as moot. Costs as to both petitions are awarded to Wife. (Rule 56.4, Cal. Rules of Court.) In the interests of justice, pursuant to Code of Civil Procedure section 170.1, subdivision (c), further proceedings shall be heard before a different trial judge.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

DIVISION FOUR (Continued)

B142885 Irving (Not for Publication)
v.
The Independent Order of Foresters

The judgment in case number B142885 is reversed and the cause remanded with directions for the trial court to vacate its order granting summary judgment. The appeal in case number B144916 is dismissed. Appellant is to have her costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B151210 Reed (Certified for Publication)
v.
Superior Court, Los Angeles County
(Case Financial Inc., r.p.i.)

The order to show cause, having served its purpose, is discharged. Let a peremptory writ issue commanding respondent court to vacate its order of May 24, 2001, staying all proceedings. This court's temporary stay order of July 20, 2001, which stayed the trial court's stay, thereby permitting pretrial proceedings to continue, shall remain in effect until the remittitur issues. The parties shall bear their own costs.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

September 20, 2001-Continued

DIVISION FOUR (Continued)

B147354 People v. Garcia (Not for Publication)

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B150577 People (Not for Publication)
v.
Harvey

The order of the appellate division remanding the matter to the trial court for a Marsden hearing is reversed. The matter is remanded to the appellate division to order a new trial.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

[illegible]

The judgment of conviction is affirmed. The judgment is reversed solely as to the sentence imposing separate five-year enhancements for appellant's prior convictions in numbers 275618 and 275619, and the matter is remanded for resentencing including possible retrial on those prior conviction allegations.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B144004 John Sanabria (Certified for Publication)
 v.
 Gloria J. Embrey et al.

The judgment is reversed. Sanabria is awarded his costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SIX

B148382 People (Not for Publication)
 v.
 Regacho

The judgment is modified by striking the three-year enhancement on count 1 under section 12022.7, reducing Regacho's aggregate term to five years and eight months, and staying the sentence on count 2 (evading a peace officer [Veh. Code, § 2800.2]) plus the sentence enhancement imposed pursuant to section 12022.7. In all other respects, the judgment is affirmed. The superior court is directed to prepare a corrected abstract of judgment and forward a certified copy to the Department of Corrections.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B148943 San Luis Obispo County (Not for Publication)
 Department of Social Services
 v.
 Megan B.

The judgment terminating parental rights is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B147501 Keijer, etc., et al. (Not for Publication)
 v.
 Inspectrum, Inc., et al.

The judgment (order denying motion for attorney's fees) is reversed and remanded for further proceedings. Appellant is awarded costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B138581 Don Del Rio et al.
 v.
 KMart Corporation

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B136925 People
 v.
 Penesa

Filed order denying petition for rehearing.